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Message Text

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PAGE 01 NEW DE 08812 021834Z

62
ACTION NEA-16

INFO OCT-01 ISO-00 AID-20 IGA-02 OMB-01 PM-07 NSC-07 SP-03

SS-20 RSC-01 L-03 CIAE-00 INR-10 NSAE-00 PRS-01 EB-11

DRC-01 /104 W
---------- 111342
R 021710Z JUL 74
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 2421

LIMITED OFFICIAL USE NEW DELHI 8812

E.O. 11652: N/A
TAGS: EAID, PINS
SUBJECT: FAA SECTION 32-- POLITICAL PRISONERS

REF: STATE 140309 AND NEW DELHI 5299

1. WE ARE MOST RELUCTANT TO RAISE SECTION 32 WITH THE GOI AT THIS TIME IN NEW DELHI. WE DO NOT EVEN HAVE AID PROGRAM UNDER DISCUSSION AND THE GOI IS AWARE THAT THERE IS CONSIDERABLE DOUBT ON THE HILL REGARDING THE ADVISABLIITY OF A PROGRAM. THEREFORE IT SEEMS INAPPROPRIATE FOR US TO TAKE THE INITIATIVE

JUST NOW TO SAY THAT, EVEN IF SOME AID IS APPROVED, IT MAY BE JEOPARDIZED BY THE GOI'S INTERNAL REGIMEN FOR DEALING WITH POLITICAL AND REVOLUTIONARY DISSIDENCE. THE DEPARTMENT WILL RECALL WE HAVE ALSO ALREADY CAUTIONED THE INDIANS ABOUT THE APPLICABLITY OF SECTION SNP(N) OF THE FAA.

2. THE GOI SHOULD, OF COURSE, BE AWARE OF THE RELEVANT PROVISIONS OF US LAW WHICH MAY AFFECT THEIR ELIGIBILITY FOR AID DISBURSEMENTS. WE WOULD BE SURPRISED IF THEY ARE NOT ALREADY FAMILIAR WITH SECTION 32 THROUGH THEIR EMBASSY IN WASHINGTON. THERE IS LITTLE PROSPECT THAT THE INDIAN GOVERNMENT WILL CHANGE ITS DOMESTIC LAWS (AND CONSTITUTION) PERTAINING TO POLITICAL RIGHTS AND
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PAGE 02 NEW DE 08812 021834Z

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US AID. UNDER THE PRESENT CIRCUMSTANCES, WE THEREFORE SUGGEST WE DEFER CALLING SECTION 32 TO THE ATTENTION OF THE GOI AT LEAST UNTIL THE ISSUE APPEARS LIKELY TO BE MORE DIRECTLY DRAWN IN TERMS OF ITS APPLICABILITY TO INDIA AND INDIA'S GENERAL ELIGIBILITY FOR ASSISTANCE UNDER NEW FAA LEGISLATION.
SCHNEIDER

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